

MAY 9 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

ROUMEN T. GRIGOROV,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-70528

INS No. A72-153-831

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 7, 2003**
Seattle, Washington

Before: O'SCANNLAIN, GOULD, Circuit Judges, and BOLTON,*** District
Judge.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*** The Honorable Susan R. Bolton, United States District Court Judge for the District of Arizona, sitting by designation.

Petitioner contends that the BIA abused its discretion by not exercising its *sua sponte* authority under 8 C.F.R. § 3.2(a) to reopen the deportation proceeding. Because we do not have jurisdiction to review the BIA's refusal to reopen *sua sponte*, see *Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002); *Abassi v. INS*, 305 F.3d 1028, 1033 (9th Cir. 2002), the petition is DISMISSED.